

III. REMARKS

By this amendment, claims 1 and 2 have been amended. Claims 1-3, 5, 6, 10-15, 20-23 and 26 are pending in this application. Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-3, 5-6, 10-15, 20-23 and 26 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Reitmeier *et al.* (U.S. Patent No. 4,432,009), hereafter “Reitmeier,” in view of Pasco *et al.* (U.S. Patent No. 6,064,778), hereafter “Pasco.” Applicants assert that the references cited by the Office do not teach or suggest each and every feature of the claimed invention. For example, with respect to independent claim 1, and similarly claimed in independent claims 10, 23 and 26, Applicants submit that the cited references fail to teach or suggest, *inter alia*, that:

the step of creating the rotated image is provided by applying the following algorithm to the first image data:

$$V_0 = K_h * K_v (V1 + V4 - V2 - V3) + K_h (V3 - V4) + K_v (V2 - V4) + V4$$

wherein V_0 is a data point of the rotated image; $V1$, $V2$, $V3$ and $V4$ are data points of the first image that each incorporated a portion of V_0 ; and K_h and K_v are fractions that are functions of skew angle and data point location of the first image.

The Office admits that Reitmeier does not teach the algorithm of the claimed invention. Instead, the Office relies on passages of Pasco. However, the passages of Pasco relied upon by the Office are disjointed and relate to different operations in the Pasco invention. To this extent, the passages of Pasco relied upon by the Office do not provide a unified algorithm for creating a rotated image. This is illustrated by the fact that passages that the Office equates with the variables in the algorithm of the claimed invention are located two different sections of Pasco, *to wit*, the Edge Detection and Skew Angle Calculation (col. 8, lines 14-29) and Image Rotation (col. 10, line 50 through col. 11, line 3) sections. Further, the only equations referred to in the passages of Pasco cited by the Office have a completely different structure from those of the claimed invention. See e.g., col. 10, lines 55-56. For example, whereas the equation of the claimed invention has additions, subtractions and multiplications of its variables, the equations of Pasco employ the sin and cosine functions to achieve its results.

In addition to the lack of a unified equation of the type that is claimed in the claimed invention, the elements of Pasco that the Office identifies with the equation variables of the claimed invention are also non-analogous. For example, the Office equates the x and y values in the equations of Pasco with the V values of the claimed invention. However, the x and y values of Pasco refer to *location* of the pixels within the image. In contrast, the claimed invention identifies the V that represent the data points as being representative of *pixel data* values of the first image. Claim 1. As such, the x and y *location* values of Pasco do not teach or suggest the V *pixel data* values of the claimed invention.

Among other examples of the non-equality of the variables of Pasco and the claimed invention is the low pass filtering of Pasco that the Office equates with the K values of the

claimed invention. This filtering of Pasco is taught as being able to detect edges of the original document and not as being fractions that are functions of skew angle and data point location of the first image, as are the K values of the claimed invention. Furthermore, there is no variable in the equations of Pasco that corresponds to its filtering. Accordingly, in contrast to the K values of the claimed invention, the filtering of Pasco is not incorporated in its equations. Accordingly, Applicants respectfully request that the rejection be withdrawn.

With respect to dependent claim 2, Applicants respectfully submit that the cited references also fail to teach or suggest that the first image is of a document, and the first image data is created in the image buffer by the step of scanning the entire document. In contrast, Reitmeier is directed to “the programmable rotation of video display information.” To this extent, any images referred to in Reitmeier are streaming video and not a document. Col. 1, lines 5-9. Similarly, while Pasco speaks of scanning a document, Pasco expressly teaches against scanning of the entire document due to the amount of memory required. See e.g., col. 1, lines 44-57; col. 2, lines 13-18. Accordingly, Applicants respectfully request that the rejection be withdrawn.

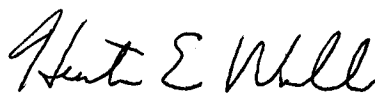
With regard to the Office's other arguments regarding dependent claims, Applicant herein incorporates the arguments presented above with respect to independent claims listed above. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



/_____
Hunter E. Webb
Reg. No. 54,593

Date: September 12, 2007

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

SKW/hew